

Senate Amendment 3471

PAG LIN

1 1 Amend House File 909, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 124, by inserting after line 21 the
1 4 following:
1 5 <DIVISION ____
1 6 BODY PIERCING AND MODIFICATION
1 7 Sec. ____ Section 135.37, Code 2007, is amended to
1 8 read as follows:
1 9 135.37 TATTOOING, BODY PIERCING, BODY MODIFICATION
1 10 == PERMIT REQUIREMENT == PARENTAL CONSENT == PENALTY.
1 11 1. A person shall not own, control and lease, act
1 12 as an agent for, conduct, manage, or operate an
1 13 establishment to practice the art of tattooing, body
1 14 piercing, or body modification, or engage in the
1 15 practice of tattooing, body piercing, or body
1 16 modification, without first applying for and receiving
1 17 a permit from the Iowa department of public health.
1 18 2. A minor shall not obtain a tattoo, or undergo a
1 19 body piercing or body modification, and a person shall
1 20 not provide a tattoo, body piercing, or body
1 21 modification to a minor. ~~For the purposes of this~~
1 22 ~~section, "minor" means an unmarried person who is~~
1 23 ~~under the age of eighteen years.~~
1 24 2A. For the purposes of this section:
1 25 a. "Body modification" means for commercial
1 26 purposes the permanent or semipermanent deliberate
1 27 altering of the human body for nonmedical reasons.
1 28 "Body modification" does not include tattooing or body
1 29 piercing.
1 30 b. "Body piercing" means for commercial purposes
1 31 the act of penetrating the skin to make a hole, mark,
1 32 or scar. "Body piercing" does not include the use of
1 33 a mechanized, presterilized, ear-piercing system that
1 34 penetrates the outer perimeter or lobe of the ear, or
1 35 both.
1 36 c. "Minor" means an unmarried person who is under
1 37 the age of eighteen years.
1 38 3. A person who fails to meet the requirements of
1 39 subsection 1 or a person providing a tattoo, body
1 40 piercing, or body modification to a minor is guilty of
1 41 ~~a serious an aggravated~~ misdemeanor.
1 42 4. The Iowa department of public health shall:
1 43 a. Adopt rules pursuant to chapter 17A and
1 44 establish and collect all fees necessary to administer
1 45 this section. The provisions of chapter 17A,
1 46 including licensing provisions, judicial review, and
1 47 appeal, shall apply to this chapter.
1 48 b. Establish minimum safety and sanitation
1 49 criteria for the operation of tattooing, body
1 50 piercing, and body modification establishments.
2 1 5. If the Iowa department of public health
2 2 determines that a provision of this section has been
2 3 or is being violated, the department may order that a
2 4 tattooing, body piercing, or body modification
2 5 establishment not be operated until the necessary
2 6 corrective action has been taken. If the
2 7 establishment continues to be operated in violation of
2 8 the order of the department, the department may
2 9 request that the county attorney or the attorney
2 10 general make an application in the name of the state
2 11 to the district court of the county in which the
2 12 violations have occurred for an order to enjoin the
2 13 violations and confiscate commercial property and
2 14 equipment. This remedy is in addition to any other
2 15 legal remedy available to the department.
2 16 6. This section shall not apply to a procedure
2 17 performed by a person licensed pursuant to chapter 148
2 18 or 150A.>
2 19 #2. By renumbering as necessary.
2 20
2 21
2 22
2 23 NANCY J. BOETTGER
2 24 JERRY BEHN

2 25 E. THURMAN GASKILL
2 26 JAMES A. SEYMOUR
2 27 PAUL MCKINLEY
2 28 LARRY NOBLE
2 29 BRAD ZAUN
2 30 DAVE MULDER
2 31 DAVID JOHNSON
2 32 PAT WARD
2 33 JOHN PUTNEY
2 34 DAVID L. HARTSUCH
2 35 MARK ZIEMAN
2 36 LARRY MCKIBBEN
2 37 RON WIECK
2 38 STEVE KETTERING
2 39 JAMES F. HAHN
2 40 MARY A. LUNDBY
2 41 HF 909.731 82
2 42 pf/gg/10111